

REMARKS

Reconsideration and allowance are requested.

This Amendment After Non-Final Rejection will confirm the substance of the July 10, 2003 interview between Examiner Lee; applicants' representatives Thomas J. Folda and Thomas Steinhäusler; and applicants' attorney Thomas A. Hodge.

In the June 11 Office Action, the Examiner has made the following rejections:

A. Claims 1-2, 7-16 and 22-30 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-7 and 12-18 of copending U.S. Patent Application Serial No. 10/268,402.

B. Claims 1-3, 6-14 and 17-222 are rejected under 35 U.S.C. § 102(b) as being anticipated by Heel et al. U.S. Patent 5,094,797.

C. Claims 4-5, 15-16 and 23-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Heel et al. U.S. Patent 5,094,797.

These rejections are traversed in view of the above amendments, the following remarks, the July 10 interview and the enclosed Supplemental Affidavit of Dr. Friedrich Goffing.

As stated in the prior Amendment filed on August 20, 2002, and as discussed at the July 10 interview, the present invention relates to pigmented molding compositions that have good weatherability. The term "weatherability" refers to the stability of a molded article to environmental factors, such as humidity, ultraviolet radiation, temperature, etc.; refer to page 2 of this application.

The weatherability of a molded article is noticed primarily in the gloss and color retention of that article as a result of exposure to environmental factors. However, over time and after exposure to environmental factors, the pigmented molded articles of the prior art tend to lose color and gloss.

Therefore, a critical element in the present invention is that of weatherability, as shown by applicants' claims. This element, however, is neither taught by nor obvious from the Heel et al. patent. Stated another way, the cited Heel et al. patent is not concerned with weatherability and, therefore, does not provide any teaching or suggestion in that regard.

Applicants respond to the 3 rejections as follows:

A. The Provisional Obviousness-Type Double Patenting Rejection

Applicants have amended independent Claims 1 and 12 to incorporate the subject matter of dependent Claims 4-5 and 15-16, respectively. In view of these amendments, applicants submit that this rejection has been overcome.

B. The Rejection Under Section 102(b)

Applicants submit that, in view of newly-amended Claims 1 and 12, this rejection under Section 102(b) has also been overcome.

C. The Rejection Under Section 103(a)

In a prior Amendment filed May 21, 2003, the March 28, 2003 Affidavit of Dr. Friedrich Goffing was submitted as evidence that weatherability was not an objective of the

work which resulted in the Heel et al. patent. Dr. Goffing is a joint inventor of the subject matter disclosed and claimed in the Heel et al. patent.

The Examiner considered the Goffing Affidavit but determined the statements of Dr. Goffing to be insufficient to overcome the prior art of the Heel et al. patent. More specifically, on page 5 of the Office Action, the Examiner declares that the Goffing Affidavit "does not state if the composition of Heel is actually weatherable or not".

To overcome this rejection, applicants submit the enclosed August 25, 2003 Supplemental Affidavit of Dr. Friedrich Goffing, who is the same affiant as in the March 28, 2003 Affidavit. With reference to Paragraph No. 5, page 2 of this Supplemental Affidavit, Dr. Goffing states:

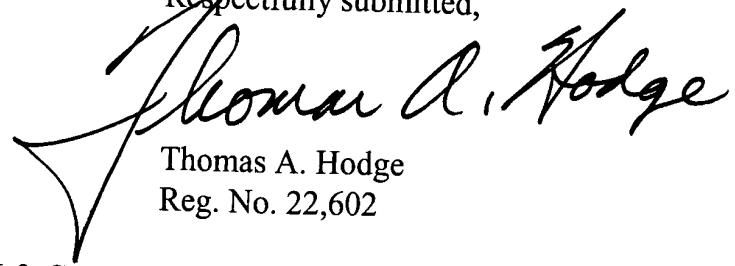
"To the best of my knowledge and based on previous work, an article molded from the molding compounds which are disclosed in U.S. Patent 5,094,797 would show poor weatherability under the definition of weatherability as stated in the preceding Paragraph No. 4."

In Paragraph No. 4 of his Supplemental Affidavit, Dr. Goffing states that weatheability is "the stability of a molded article to environmental factors, such as humidity, ultraviolet radiation, temperature, etc."

Applicants maintain that the two Affidavits by Dr. Goffing clearly establish that (1) weatherability was not an objective of the work which resulted in the Heel et al. patent and (2) if articles were molded from the Heel et al. compounds, such articles would have poor weatherability. Consequently, weatherability is not an inherent property of the compounds of the Heel et al. patent. Applicants request the removal of this rejection under Section 103(a).

In view of the above amendments and remarks, the July 10 interview and the enclosed Supplemental Affidavit of Dr. Friedrich Goffing, applicants maintain that the present application is in condition for allowance, which action is requested.

Respectfully submitted,



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